



Town of Amherst
Zoning Board of Appeals
APPLICATION

Application # _____
MUNIS# _____

*Town
Clerk
Stamp*

Name of Applicant

Attorney/Designer/Consultant

Address of Applicant

Address

Telephone # of Applicant

Email

Telephone #

TYPE OF APPLICATION: ☐ SPECIAL PERMIT ☐ APPEAL FROM DECISION OF BUILDING COMMISSIONER
☐ VARIANCE ☐ COMPREHENSIVE PERMIT

Pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts and the Amherst Zoning Bylaws, application is hereby made to the Amherst Zoning Board of Appeals to do the following:

Nature of Request: _____

Bylaw provision (Section number): _____

Property Owner: _____

Address: _____

Telephone: _____

Signature : _____
Of Owner

Property Address or Description (if no address):

Map/Parcel #: _____

Zoning District(s): _____

To be filled out by Amherst Building Commissioner:

Date Received

Amherst Building Commissioner

To be filled out by Amherst Town Clerk:

Date Filed

Amherst Town Clerk

To be filled out by Amherst Planning Department:

Date

\$ _____
Fee Received

Received by

- ☐ Certified List of Abutters
☐ One (1) hard copy submission
☐ One (1) digital submission

Checklist for the ZBA Application Process:

It is best to review the requirements with the Zoning staff before you begin your application.

It is the responsibility of the applicant to furnish all supporting documentation with the application. Please check items on this list to indicate that you have done so, or indicate your requests for waivers at the end of the list.

One hard copy of the following shall be submitted:

- ☒ **Application:** Every application shall be submitted on the official application form of the Board, provided by the Planning Department. Please provide only the original application form, no copies are needed. All information must either be typed or printed clearly.
- ☒ **Certified List of Abutters:** A current (no more than 30 days old) and valid "Certified List of Abutters" from the Assessor's office, signed by the Assessor, is required. It will take 10 working days and a filing fee to get the Certified List of Abutters from Central Services on the first floor of Town Hall. Please see the attached request form.
- ☒ **Fees:** All applications filed with the Town Clerk shall be accompanied by cash or check made payable to the Town of Amherst in the specified amount. See schedule of fees in this application packet.
- ☒ **Electronic submission:** Every application shall be accompanied by one hard copy of all submitted materials, including full size plans, to scale. All applications shall include one electronic copy of all information (except the Certified List of Abutters and fee) in a PDF form. All PDF's and electronic information should be labeled. Submissions may be accepted via email, thumb-drive, or on CD/DVD.

Please note: Prior to a public hearing, Town staff may request up to five hard copies of full size plans for distribution. This will be requested and coordinated by Town staff.

For the following plans, and any other supplemental materials submitted as part of an application, one full size original hard copy AND one digital copy shall be submitted.

- ☒ **Site Plans:** Unless waived by the Board, all site plans shall be prepared by a Registered Engineer, Surveyor or Landscape Architect, and shall include the following:
 - name of property owner, developer and name of engineer/surveyor/landscape architect or builder
 - date, title and scale of plan
 - separate locus map showing site location and location of buildings on surrounding properties, north arrow
 - all existing lot lines, easements, rights-of-way, size of property in square feet, as well as setback, side and rear yard dimensions as set forth in Table 3 of the Bylaw and zoning district
 - location and use of all existing and proposed buildings and structures, including dimensions and heights
 - location and names of existing or proposed streets, curb cuts, entrances and exits, parking areas, sidewalks, loading/service areas, utility systems
 - existing and proposed contours and finished grade elevations, including location and volume of significant filling or excavations
 - location of all natural features, including significant watercourses, wetlands, water bodies, bedrock outcroppings, stone walls and all trees, including drip lines, of eight (8) inch diameter at breast height (DBH) or larger on the subject property. In addition, all stone walls and trees, including drip lines, to be affected by clearing and/or construction within any portion of any public right-of-way immediately adjacent to the subject property shall also be shown, according to provisions of MGL Ch.40, Section 15C (Scenic Roads Act) and MGL Ch.87 (Shade Tree Act).
 - location of containers and enclosures for storage and disposal of waste, recyclables and, where applicable, waste kitchen oil
 - number and location of parking spaces required (2 parking spaces are required per unit)
 - calculation of total lot area, wetlands, building coverage and total lot coverage

(Plans, continued)

- ☐ **Building Plans** shall include accurate, scaled renderings of:
 - Elevations, showing exterior facades indicating height, materials, architectural features and colors proposed.
 - Floor Plans with dimensions showing schematic layout, use of interior spaces and means of egress
- ☐ **Management plan:** Please see attached Management Plan Form.
- ☐ **Landscape plan** showing proposed vegetation to be planted, including street and shade trees, shrubs and other planting. Parking lot screening, by species and type shall be detailed. Existing vegetation of note (see “Site Plans” above) and any intermittent or year-round streams, ponds or other wetlands shall also be shown.
- ☐ **Lighting plan** showing location and type of outdoor lighting and lighting fixtures, said lighting to be designed to minimize glare and light spillover onto adjacent properties, streets and the night sky
- ☐ **Sign plan**, including, but not limited to, dimensions, color, graphics, placement, lettering and any sign lighting

In addition, the Board may require submission of the following information/plans:

- ☐ **Soil erosion plan**, if applicable, showing measures to be taken to prevent or reduce erosion both during and after construction
- ☐ **Traffic Impact Statement:** Details may be found in Appendix A of the Board’s Rules and Regulations
- ☐ **Outside Consultants:** Details may be found in Appendix B of the Board’s Rules and Regulations
- ☐ If the property for which the permit is being sought has any tenants or lessees, they must be notified of the application. Please ask for the Planning Department’s “**Tenant/Lessee Notification**” instruction sheet.
- ☐ All applications shall be supported by a written project summary detailing all relevant facts of the application.
- ☐ All plans and information shall be labeled with the applicant’s name, project address and be dated.

WAIVERS: If you are requesting a waiver from any of the plan requirements, please list them below, along with your reasons. The Board shall have the right to modify or waive any of the submittal requirements, or to request additional information necessary to render a decision.

The petitioner shall submit the application and accompanying documents outlined above to the Planning Department, who shall file the application with the Town Clerk for certification.

For time requirements pertaining to public hearings and Board actions, please see the *Zoning Board of Appeals Rules and Regulations*, which are available at the Planning Department or on the Town website at:

<http://www.amherstma.gov/departments/Planning/publications.asp>

AMHERST BOARD OF ASSESSORS

REQUEST FOR CERTIFIED LIST OF ABUTTERS

Note: THE ASSESSORS OFFICE REQUIRES 10 BUSINESS DAYS TO PREPARE AN ABUTTERS LIST. WE THEREFORE ADVISE YOU NOT TO SCHEDULE A HEARING UNTIL YOU HAVE THIS LIST.

Please Print

_____ STREET ADDRESS	_____ MAP	_____ PARCEL
_____ OWNER'S NAME	_____ APPLICANT'S NAME	
_____ STREET	_____ STREET	
_____ CITY ST	_____ CITY	_____ STATE ZIP
_____ CONTACT PERSON & PHONE #		

Please circle type of permit or variance requested:

- A: Liquor License – Immediate abutters, also 500' from all borders for churches/hospitals/public & private schools.**
- B: Planning Board – Subdivision or Special Permit - 300'**
- C: Zoning – Special Permit or Variance Appeals - 300'**
- D: Conservation – Wetland Hearing - 300'**
- E: Planning – Site Plan Review 300'**

****Please note that if requesting abutters lists for two different departments for the same parcel, you must fill out separate abutters request forms.**

NOTE: THE ABUTTERS LIST IS ONLY OFFICIAL FOR A PERIOD OF 30 DAYS FROM THE DATE OF CERTIFICATION BY THE ASSESSOR. AFTER 30 DAYS, YOU WOULD NEED TO REAPPLY FOR A NEW LIST.

Abutters fee: \$25.00 Due at time of request

Fee Received: _____ Date Received : _____

(ASO002)

RECEIVED

Town of Amherst
MANAGEMENT PLAN FORM



The Rules and Regulations of both the Planning Board and the Zoning Board of Appeals require that applicants submit a management plan as part of the process for most applications.

APPLICANT INFORMATION:

Applicant: _____

Address: _____

Telephone: _____

Owner: _____

(if different from applicant)

Address: _____

Telephone: _____

PROJECT INFORMATION:

Project Address and Description:

Amendment to previously approved management plan?

☐ yes

☐ no

INFORMATION REQUIRED FOR ALL PROJECTS: *(Attach additional sheets as necessary)*

Trash and recycling, including storage location, enclosure or screening, with frequency of pickup and name of hauling company, and responsible party to contact in case of complaint:

Parking, including size and number of spaces, location, screening, provision for handicapped spaces:

Lighting, including hours of illumination by location, types and wattage of fixtures:

Signage, including location, size, materials, and any illumination:

Landscape Maintenance, including annual schedule of watering, fertilizing, mowing, pruning, leaf pick-up, and so forth, and maintenance and replacement schedules of site furnishings:

Snow Removal, including name of contractor:

(Please see Article IV of the Town Bylaw for regulations regarding the removal of snow and ice from sidewalks)

ADDITIONAL INFORMATION FOR SPECIFIC PROJECT TYPES (ATTACH ADDITIONAL SHEETS):

ADDITIONAL INFORMATION REQUIRED FOR RESTAURANTS:

Type of menu
Number of seats (indoor and outdoor)
Is any outdoor dining on public or private land?
Number of employees
Hours of operation
Alcohol
Plans for delivery and/or take-out service
Live or prerecorded entertainment
Noise management of patrons, music, fans and HVAC
Management of patrons gathering outdoors on property
Odor mitigation measures
Waste kitchen oil management
Litter control
Deliveries to or from the site

ADDITIONAL INFORMATION REQUIRED FOR PERMIT RENEWALS:

Special permit #
Date of issuance
Any changes to the proposal
Any changes to the neighborhood

ADDITIONAL INFORMATION REQUIRED FOR APARTMENTS:

Number of units, existing and proposed
Number of bedrooms, existing and proposed
Number of tenants
Owner-occupied?
On-site manager?
Copy of standard lease
Noise management of tenants, parties, and music, and any outdoor HVAC equipment
Material, equipment, and large household goods storage
On-site recreational facilities (when provided)
Complaint Response Plan

ADDITIONAL INFORMATION REQUIRED FOR HOME OCCUPATIONS:

Type of business
Number of Employees
Hours of operation
Deliveries to or from the site
Equipment used/ Noise generated
Material and equipment storage

From the Amherst Zoning Bylaw
SPECIAL PERMIT FINDINGS

10.38 Specific Findings Required

The Special Permit Granting Authority may grant a Special Permit authorized by this Bylaw if said Authority finds, when applicable, that:

- 10.380 The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority.
- 10.381 The proposal is compatible with existing Uses and other Uses permitted by right in the same District.
- 10.382 The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features.
- 10.383 The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.
- 10.384 Adequate and appropriate facilities would be provided for the proper operation of the proposed use.
- 10.385 The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features.
- 10.386 The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.
- 10.387 The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.
- 10.388 The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.
- 10.389 The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.

- 10.390 The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.
- 10.391 The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.
- 10.392 The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.
- 10.393 The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions.
- 10.394 The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.
- 10.395 The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.
- 10.396 The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- 10.397 The proposal provides adequate recreational facilities, open space and amenities for the proposed use.
- 10.398 The proposal is in harmony with the general purpose and intent of this Bylaw.

ATTENTION!



HOMEOWNERS, BUILDERS, CONTRACTORS, LANDSCAPERS & ARCHITECTS

Do NOT cut down, remove, or alter any existing TREE, SHRUB, or STONE WALL near a street until you have confirmed that they are *entirely* on private property!

Under the Shade Tree Act (MGL Ch. 87) and the Scenic Roads Act (MGL Ch. 40, Sec 15C) existing TREES, SHRUBS & STONE WALLS in Amherst are protected in the following areas:

- ☞ On private property if the tree trunk, shrub, or stone wall touches or extends into the public way (the public property that includes the street, sidewalks, and utility corridors); or
- ☞ In the public way, including in front of any private property being prepared/cleared for driveways, construction, connection to utilities, etc.

Violations of these laws can involve FINES up to **\$500**, *PLUS* the cost of replacing all trees, shrubs, and walls. Don't take the chance! Ask first.

FOR PROPERTY LINE INFO:

Jason Skeels, Town Engineer
Public Works Dept.
586 South Pleasant Street
Amherst, MA 01002
(413) 259-3050
skeelsj@amherstma.gov

FOR PUBLIC SHADE TREE INFO:

Alan Snow, Tree Warden
c/o Conservation Dept.
Town Hall, 4 Boltwood Ave.
Amherst, MA 01002
(413) 259-3045
conservation@amherstma.gov

FOR SCENIC ROADS INFO:

Amherst Planning Dept.
Town Hall, 4 Boltwood Ave.
Amherst, MA 01002
(413) 259-3040
planning@amherstma.gov



APPENDIX B APPLICATION FEES

Fees accompanying applications to the Board of Appeals shall conform to the schedule below. In addition to ALL application fees, a flat fee of \$75 dollars is required for legal advertisement, plus \$25 dollars for a Certified List of Abutters. Payment for legal advertisement and Certified List of Abutters must be submitted with application.

Please note: If and after a Special Permit is granted, there is a \$10 filing fee with the Town Clerk and a \$75 dollar filing fee at the Registry of Deeds.

High Impact Uses –

Non-residential = \$500

Residential = \$300 + \$50/ new dwelling unit

- PURDs
- Residential uses with more than 6 units – e.g., Town Houses, Apartments, Subdividable/Converted Dwellings, Hotel or Motels, Inns, Hostel, Congregate housing for the elderly and disabled, fraternities/sororities
- Institutional Uses – e.g., Medical or residential institutions, cemetery, private lodge or club)
- Government and Public Service Uses
- Research and Industrial Uses

Moderate Impact Uses –

Non-residential = \$300

Residential = \$150 + \$50/ new dwelling unit

- Residential uses with 6 or fewer total units – e.g., Town Houses, Apartments, Subdividable/Converted Dwellings, Hotel or Motels, Inns, Hostel, Two-family detached
- Dwelling units in combination with stores or other permitted business or commercial uses
- Lodgers/Boarders/Roomers/Bed and Breakfast
- Supplemental apartments
- Retail, Business and Consumer Service Uses
- Motor Vehicle Related Uses
- Extensive Uses
- Flag lots (\$150 per flag lot)

Low Impact Uses - \$50

- Applications for/by owner-occupied single family properties– e.g., accessory uses, other than supplemental apartments, fences, signs

Other:

- Variances = \$300
- Appeals from a decision of the Building Commissioner = \$110
- Amendments or modifications to existing permits = Same fee as use

Comprehensive Permits & Affordable Housing Projects * = \$500 + 50 / new dwelling unit

- Limited Dividend Organizations - \$9 per unit
 - Non-Profit Organizations - \$3 per unit
 - Public Agencies and Local; Local Initiative pursuant to 760 CMR 45.00 - \$0
- * Projects including 10% or more affordable units as defined under Section 12.20, Amherst Zoning Bylaw are considered Affordable Housing Projects.*

Town Projects – The application fee for certain Town projects may be waived administratively by the Director of Conservation and Development.

Fee change approved January 14, 2014 and effective on February 1, 2014